

Decision\_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the Application of KHOLBAS INC, dba SORIBA.ORG, for Certificate of Public Convenience and Necessity under Section 1031, et seq., of the Public Utilities Code, to operate an on-call, door-to-door, passenger stage, between San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the one hand, and points in the counties of San Francisco, Alameda, Santa Clara, San Mateo, Contra Costa, and Marin, on the other hand; and to establish a Zone of Rate Freedom.

Application 14-08-019  
(Filed August 25, 2014)

**D E C I S I O N   G R A N T I N G   A P P L I C A T I O N**

**Summary**

This decision grants the application of KHOLBAS INC, doing business as SORIBA.ORG, a Delaware corporation, pursuant to Pub. Util. Code § 1031 et seq., for a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish a Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2.

**Discussion**

KHOLBAS INC, doing business as SORIBA.ORG (Applicant), requests authority to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage between points in the counties of San Francisco, Alameda, Santa Clara, San Mateo, Contra Costa, and Marin, and the San Francisco (SFO), the Oakland (OAK) and the San Jose (SJC) International

Airports. Applicant states it intends to provide an economic, convenient, and safe transport alternative for passengers to SFO, OAK, and SJC.

Applicant holds a Transportation Charter-Party (TCP) carrier permit TCP 32744-A conducting both charter and roundtrip sightseeing tours. Applicant proposes PSC operations with an initial fleet of eight seven-passenger vans.

The balance sheet submitted by Applicant shows assets of \$861,589, liabilities of \$205,000, with a net worth of \$656,589.

Proposed single adult fares range \$16 (San Francisco to SFO) and \$225 (Stinson Beach to SJC). Applicant requests authority to establish a Zone of Rate Freedom (ZORF) of plus and minus \$5 for proposed fares less than \$20, plus and minus \$10 for proposed fares between \$20 and \$39, and plus and minus \$20 for proposed fares over \$39. The minimum fare will be \$11. Applicant will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in the service area. This highly competitive environment should result in Applicant pricing her services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on August 27, 2014. Applicant served copies of the application on the regional public transit authorities in the involved area and the three airports; Notice was served on 78 cities in the counties of San Francisco, Alameda, Santa Clara, San Mateo, Contra Cost and Marin.

Since the proposed service will reduce the number of vehicles on the public highways in between points in the counties of San Francisco, Alameda, Santa Clara, San Mateo, Contra Costa, and Marin, a California Environmental Quality Act review is not required because it can be seen with certainty that there

is no possibility that the activity may have a significant adverse effect on the environment.

In Resolution ALJ 176-3341, dated August 28, 2014, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3341.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Safety Considerations**

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

### **Assignment of Proceeding**

Denise Tyrrell is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. The application requests authority to operate as an on-call PSC to transport passengers and their baggage between points in the counties of San Francisco, Alameda, Santa Clara, San Mateo, Contra Costa, and Marin, and the SFO, OAK, and SJC International Airports.

2. Public convenience and necessity requires the proposed service.
3. Applicant requests authority to establish a ZORF of plus and minus \$5 for proposed fares less than \$20, plus and minus \$10 for proposed fares between \$20 and \$39, and plus and minus \$20 for proposed fares over \$39. The minimum fare will be \$11.
4. Applicant will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in his operations.
5. No protest to the application has been filed.

### **Conclusions of Law**

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. The request for a ZORF should be granted because the ZORF is fair and reasonable.
3. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.
4. Because the matter is uncontested, the decision should be effective on the date it is signed.
5. A public hearing is not necessary.
6. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

## **O R D E R**

### **IT IS ORDERED** that:

1. A certificate of public convenience and necessity is granted KHOLBAS INC, doing business as SORIBA.ORG, a Delaware corporation, authorizing it to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-32744, subject to the conditions contained in the following paragraphs.

2. KHOLBAS INC, doing business as SORIBA.ORG, shall:
- a. File a written acceptance of this certificate within 30 days after this decision is effective.
  - b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
  - c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
  - d. Comply with General Orders Series 101 and 158, and the California Highway Patrol safety rules.
  - e. Comply with the Commission's controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
  - f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
  - g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
  - h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. KHOLBAS INC, doing business as SORIBA.ORG, is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom of plus and minus \$5 for proposed fares less than \$20, plus and minus \$10 for proposed fares between \$20 and \$39, and plus and minus \$20 for proposed fares over \$39. The minimum fare will be \$11.

4. KHOLBAS INC, doing business as SORIBA.ORG, shall file a zone of rate freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. KHOLBAS INC, doing business as SORIBA.ORG, may make changes within the zone of rate freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, KHOLBAS INC, doing business as SORIBA.ORG, shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. KHOLBAS INC, doing business as SORIBA.ORG, (Applicant), is authorized to begin operations on the date that the Safety and Enforcement Division mails a notice to applicant that her evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

8. Before beginning service to San Francisco International Airport (SFO), Oakland International Airport (OAK), and the San Jose International Airport

(SJC), KHOLBAS INC, doing business as SORIBA.ORG (Applicant), shall notify each airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

9. The Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation (PSC)- 32744 granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated March 26, 2015, at San Francisco, California.

CERTIFICATE  
  
OF  
  
PUBLIC CONVENIENCE AND NECESSITY  
  
AS A PASSENGER STAGE CORPORATION  
  
PSC-32744

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges.

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.



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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

KHOLBAS INC, dba SORIBA.ORG, a Delaware Corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Points in the counties of San Francisco, Alameda, Santa Clara, San Mateo, Contra Costa, and Marin.
- B. San Francisco International Airport (SFO), Oakland International Airport (OAK) and the San Jose International Airport (SJC).

SECTION III. ROUTE DESCRIPTIONS

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any airport described in Section IIB.